

Daniel Feinberg (CA State Bar No. 135983)  
Todd F. Jackson (CA State Bar No. 202598)  
Margaret Hasselman (CA State Bar No. 228529)  
Nina Wasow (CA State Bar No. 242047)  
Kirsten G. Scott (CA State Bar No. 253464)  
LEWIS, FEINBERG, LEE, RENAKER & JACKSON, P.C.  
1330 Broadway, Suite 1800  
Oakland, CA 94612  
Telephone: (510) 839-6824  
Facsimile: (510) 839-7839  
Email: dfeinberg@lewisfeinberg.com  
Email: tjackson@lewisfeinberg.com  
Email: mhasselman@lewisfeinberg.com  
Email: nwasow@lewisfeinberg.com  
Email: kscott@lewisfeinberg.com

Peter Rukin (CA State Bar No. 178336)  
RUKIN HYLAND DORIA & TINDALL LLP  
100 Pine Street , Suite 725  
San Francisco, CA 94111  
Telephone: (415) 421-1800  
Facsimile: (415) 421-1700  
Email: peterrukin@rhdtlaw.com

*Attorneys for Plaintiffs and the Proposed Class*

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO AND OAKLAND DIVISION

THOMAS FERNANDEZ, et al.,

Plaintiffs,

vs.

K-M INDUSTRIES HOLDING CO.,  
INC., et al.,

Defendants.

**CASE NO.: C-06-07339 CW**

**DECLARATION OF PETER RUKIN IN  
SUPPORT OF APPOINTMENT OF CLASS  
COUNSEL**

1           1.       I am a member of the Bar of the State of California and am admitted to practice  
2 before this Court. I am a partner in the law firm of Rukin Hyland Doria & Tindall LLP, which  
3 along with Lewis, Feinberg, Lee, Renaker & Jackson, P.C. are counsel for the plaintiffs in this  
4 action. I have personal knowledge of the facts set forth in this declaration and, if called upon to  
5 do so, could and would testify competently thereto.

6           2.       The following is a brief description of my professional background. I am a 1991  
7 graduate of New York University School of Law. Following graduation from law school, I  
8 served as law clerk to U.S. District Court Judge Harry D. Leinenweber in Chicago. Thereafter, I  
9 practiced law at employment law firms in Chicago (Stowell & Friedman) and New York  
10 (Vladeck Waldman Elias & Engelhard), representing employees in individual and class action  
11 cases. I also served as Of Counsel in the Employment Law Department at Paul, Hastings,  
12 Janofsky & Walker in San Francisco, where from January 2000 until March 2003 I represented  
13 employers in a wide array of complex employment matters. Since forming my own firm in April  
14 2003, I have represented employees in individual, class action, and collective action lawsuits.

15           3.       I have served as counsel in various state and federal cases with reported decisions,  
16 including: *Kolstad v. American Dental Association*, 119 S.Ct. 2118 (1999) (counsel of record for  
17 *amici* Mexican American Legal Defense and Education Fund *et al.* at the petition stage ); *Smith v.*  
18 *Superior Court*, 39 Cal.4th 77 (2006) (counsel of record for *amicus* California Employment  
19 Lawyers Association); *Valente-Hook v. Eastern Plumas Health Care*, 368 F.Supp.2d 1084 (E.D.  
20 Cal. 2005); *Collins v. Overnite Transportation Company*, 105 Cal. App. 4th 171 (2003); *Lott v.*  
21 *Westinghouse Savannah River Corp.*, 200 F.R.D. 539 (2000); *Meloff v. New York Life*, 1999 WL  
22 604871 (Aug. 10, 1999); *Feder v. Bristol Myers Squibb*, 33. F.Supp. 319 (1999); and *Merrill*  
23 *Lynch, Pierce, Fenner and Smith v. Adcock*, 176 F.R.D. 539 (1997). I am admitted to the State  
24 Bars of California, Illinois (inactive), and New York, the bars of various federal district courts,  
25 the Ninth Circuit Court of Appeals, and the United States Supreme Court.

26           4.       Since forming my own firm in April 2003, my firm has been appointed class  
27 counsel in the following cases: *Krzesniak v. Cendant Corporation* (N.D.Cal. Case Number: 3:05-  
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1 cv-5156) (Plaintiff's contested motion for class certification granted); *Torres v. ABC Security*  
 2 *Service* (Alameda County Superior Court Case No. RG04158744) (Plaintiffs' contested motion  
 3 for class certification granted); *Wilson v. Sony Computer Entertainment America, Inc.* (San Mateo  
 4 County Superior Court Case No. 444815) (certification of settlement class); *Rodriguez v. PETCO*  
 5 *Animal Supplies Stores, Inc.* (Santa Clara County Superior Court Case No. 1-06-CV-0060094)  
 6 (certification of settlement class); *Kohler v. Sierra Pacific Industries* (El Dorado County Superior  
 7 Court Case No. PC20050094) (certification of settlement class); *Qutami v. T-Mobile* (Alameda  
 8 County Superior Court Case No. RG04186460) (certification of settlement class); *Goddard v*  
 9 *Longs Drug Stores, California, Inc.* (Alameda County Superior Court Case No. RG04141291)  
 10 (certification of settlement class); *Gray v. ABC Security Service, Inc.* (Alameda County Superior  
 11 Court Case No. RG04141422) (certification of settlement class); *Sheppard v. The Davey Tree*  
 12 *Expert Company* (San Francisco Superior Court Case No. CGC-03-426108) (certification of  
 13 settlement class); *McKenzie v. American Commercial Claims Administrators, Inc.*, (San Francisco  
 14 Superior Court Case No. CGC-04-428807) (certification of settlement class); and *Newman v.*  
 15 *Kimpton Hotel & Restaurant Group, Inc.*, (San Francisco Superior Court Case No.  
 16 CGC04429762) (certification of settlement class).

17 5. I have written and spoken on employment law and litigation, and have closely  
 18 followed legal developments in the area. I authored the section on Rule 23(b)(1) class actions for  
 19 the planned BNA treatise *Class Actions in Employment Law*, and served as Revisions Editor for  
 20 the wage and hour chapters of the Matthew Bender treatise *California Employment Law*. I have  
 21 been designated as an expert on the standard of care in employment cases, and have testified  
 22 before committees of the California State Senate and Assembly on pending employment  
 23 legislation. I have been selected to serve as a member of the State Bar of California Labor and  
 24 Employment Section Executive Committee (2008-2011).  
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1 I declare under penalty of perjury under the laws of the United States that the foregoing is true  
2 and correct to the best of my knowledge.  
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4 Executed this 29<sup>nd</sup> day of May, 2008, in San Francisco, California.  
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7 \_\_\_\_\_/s/  
8 Peter Rukin  
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